

Notice of Allowability

Application No.

10/781,886

Examiner

Cheukfan Lee

Applicant(s)

MAKINO ET AL.

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an application for patent filed February 20, 2004.
2. ☒ The allowed claim(s) is/are 1-6 and 8-10, now renumbered 1-9, respectively.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 4/13/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other See Continuation Sheet.


Cheukfan Lee

Continuation of Attachment(s) 9. Other: Copies of 2 Japanese references.

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. John Krause on September 11, 2007 (and September 13, 2007). Mr. Krause agreed on September 13, 2007 to cancel dependent claim 7 and add the limitations of claim 7 to independent claim 5 to avoid a potential art rejection of claim 5 under 35 U.S.C. 102(e) using Yamanaka (U.S. Patent No. 7,196,827), which has a common assignee as the present application but a different inventive entity, and filed Dec. 5, 2002 prior to the foreign priority date Feb. 24, 2003 of the present application. Fig. 5 and col. 6, line 50 to col. 7, line 23 of Yamanaka were referred to in the discussion. Mr. Krause also agreed to correct minor errors or change terminologies in claims 1, 3, 5, and 8-10 and label Figs. 10 and 11 with – PRIOR ART --.

3. **Please amend the drawings, specification and claims as follows:**

In the drawings:

Label Figs. 10 and 11 with – PRIOR ART --. See specification, page 1, the last paragraph, and page 5.

In the specification:

Page 2, line 21, replace "CCD" with – charge-coupled device (CCD) – to spell out the abbreviation "CCD" at its first occurrence in the specification.

Page 15, line 16; page 18, line 1; and page 19, line 15, in all three instances change "319" to – 314 --.

In the claims:

In claim 1, line 2, change "means for conveying" to – device which conveys --;

line 3, change "for guiding" to – which guides --;

line 4, change "for reading" to – which reads --;

line 6, after "member", insert -- , --;

line 7, after "glass", insert -- , --, and change "for forming" to – which forms

--;

line 9, change "means for moving" to – device which moves --;

line 10, change "drive means can move" to – driving device moves --;

line 11, before "reading operation", insert – a --; and

line 13, before "reading operation", insert – a --.

In claim 3, line 1, change "claim1" to – claim 1 --.

In claim 5, line 2, change "means for conveying" to – device which conveys --;

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line 3, change "for guiding" to – which guides --;

line 4, change "for reading" to – which reads --;

line 6, after "roller", insert -- , --;

line 7, after "glass", insert -- , --, and change "for forming" to – which forms

--;

line 8, change "adjacently" to – adjacent --;

line 13, change "means for moving" to – device which moves --;

line 14, change "drive means can move" to – driving device moves --;

line 15, before "reading position", insert – a --, and change "adjacently" to

– adjacent --;

line 16, before "reading operation", insert – a --;

line 17, change "adjacently" to – adjacent --;

line 17, at the end of the line, between "member" and ".", insert the

following:

-- and wherein the main reading position is a position where the sheet conveyed in the reading position contacts with the platen glass, and the sub reading position is a position where the sheet conveyed in the reading position does not contact with the platen glass –

Cancel claim 7.

In claim 8, line 1, change "claim5" to – claim 5 --; and

line 2, change "means" to – system --.

In claim 9, line 2, change "means" to – system --.

In claim 10, lines 2-3, change "claim 1 through claim 9" to – claims 1 through 6, 8, and 9 --.

4. Claims 1-6 and 8-10 are allowed.

5. The following is an examiner's statement of reasons for allowance:

Independent claim 1 is allowable over the prior art of record because the closest prior art Yamanaka et al. (U.S. Patent No. 7,196,827) does not teach the claim limitation "wherein the driving devices moves the reading device to a main reading position for a reading operation at a position at which the sheet conveyed to the reading position is in contact with the platen glass and to at least one sub reading position for a reading operation at which the sheet conveyed to the reading position is not in contact with the platen glass". In Yamanaka et al. (Fig. 5, col. 6, line 50 – col. 7, line 23), both the gap between the roller (24b in Fig. 5) and the platen glass (161) and the gap between the roller (24e in Fig. 5) and the platen glass (161) are set to the same value (0.3 mm, in the exemplary embodiment, col. 7, lines 20-23), as opposed to a structure in which one gap is set larger than the other such that the sheet conveyed through the larger gap does not contact with the platen glass while the sheet conveyed through the smaller gap

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contacts with the platen glass. Thus, the above limitation in combination with other limitations of claim 1 is not taught by Yamanaka et al.

Yamanaka et al. is not applicable under 35 U.S.C. 103(a), although Yamanaka et al. discloses that "the dimension of the gap is approximately 0.15 to 0.5 mm (col. 7, lines 1-23).

Claims 2-4 and 10 depend on claim 1, directly or indirectly.

Claim 5 as amended above recites the limitations discussed above and additional limitations and thus is allowable for the reason given for claim 1.

Claims 6 and 8-10 depend on claim 5, directly or indirectly.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamanaka et al. (U.S. Patent No. 7,196,827), "Image reading apparatus and image forming apparatus", Fig. 5, col. 6, line 50 – col. 7, line 23).

Hiromatsu et al. (U.S. Patent Application Publication No. US 2004/0223192 A1),
"Image reading apparatus", Figs. 5 and 6, paragraphs 0080-0084

Yamanaka et al. (U.S. Patent Application Publication No. US 2005/0128536 A1),
"Image reading unit and image forming apparatus comprising the same", Fig. 4,
paragraph 0086, gap ensured by glass abutting means

Sugeta (U.S. Patent Application Publication No. US 2004/0125412 A1), "Image
reading apparatus", Fig. 3

Shoji (U.S. Patent Application Publication No. 2007/0009296 A1), "Auto
document feeder", Fig. 3, paragraph 0047, two gaps, one reading position

Kumagai et al. (U.S. Patent No. 6,600,579), "Image reading apparatus"

Nabeshima et al. (U.S. Patent No. 5,930,008), "Image reading device and
method"

Harada (U.S. Patent No. 6,563,938), "Sheet-through type document reader",
Figs. 1 and 2

Imoto (U.S. Patent No. 7,212,320), "Image reading device", Figs. 7 and 9

Sugiyama Akihiko (Japanese Patent Application Publication No. 2002-232643),
"Original feeder and image forming device provided with this feeder"

Hiraga Takehito (Japanese Patent Application Publication No. 2000-295430),
"Image reader"

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cheukfan Lee
September 13, 2007